



**ZONING BOARD OF ADJUSTMENT  
MINUTES**

**September 7, 2010**

**\*\*FINAL COPY\*\***

**PRESENT:** Jack Dearborn, Chairman; Forrest Esenwine, Member; June Purington, Member;  
Neal Kurk, Alternate; Chip Meany, Code Enforcement Officer; Sheila Savaria,  
Recording Secretary

**GUESTS:** Charles Cleary, Jerry Haynes, Roger Keilig, Ginger Esenwine, Art Siciliano

**I. INTRODUCTION:**

Chairman Dearborn called this meeting to order at 7:30 PM and asked the board members present to introduce themselves.

**II. ADMINISTRATIVE ITEMS:**

There were no administrative items to take up at this time.

**III. PUBLIC HEARINGS:**

Case #0610 Roger Hardy Construction LLC  
Special Exception to Article 29-10  
The applicant wants to build a 5 unit industrial building in an aquifer  
Tax Map 412-170 South side of Colby Road

Art Siciliano explained to the board that Roger Hardy is not going to have any testing done to determine the location of the dump site because of the possible costs associated with it. Therefore, on behalf of Roger Hardy, Mr. Siciliano withdrew the application to build a 5 unit industrial building on Colby Road.

Case #0810 21 B&B Lane, LLC - continued  
Special Exception Article 29, section 10  
The applicant is requesting special exception for the requirement for  
"use in an Aquifer Protection Overlay"  
Tax Map 411-194 21 B&B Lane

Jack Dearborn stepped down as Chairman for this case; Forrest Esenwine took the position as acting Chairman. Chip Meany discussed a letter to the board from Bill Wilcox, the expert hired to represent the board. Mr. Wilcox's letter discussed the process that will be used to provide the information the board needs on tannin. In regards to the noise levels, there was a site walk planned, but it never took place. Mr. Wilcox has permission to do the testing, but it should be noted that there is no noise standard in the Town of Weare.

The board discussed what category they are applying for a special exception from. Neal Kurk feels it is

permitted in an industrial zone, under agriculture (forestry). Charles Cleary, the attorney for this case, says they meet several permitted uses, including storage of forest products, and harvesting and storage of forest products.

Roger Keilig, the expert hired in this case, discussed manufacturing a swale and the fact that it will treat the water, so by the time it gets to the aquifer it will be okay. Neal Kurk said he would like to hear from Mr. Wilcox that the treatment meets standards, and that water that comes out of the treatment process will be clear and not have 'high' levels of tannins. Mr. Cleary agreed to set up testing with Earl Sanford.

Forrest Esenwine moved to continue the hearing for case #0810 until the October 5 meeting; June Purington seconded, all voted in favor. Mr. Cleary agreed to bring decibel test results to the next meeting, and Mr. Keilig agreed to talk to Mr. Wilcox about plans and treatment.

Jack Dearborn assumed his position at Chairman.

Case #0910      George & Marie Bunton  
                     Variance to article 18.2.1  
                     The applicant is requesting a variance to the road frontage requirement  
                     As the lot is in both the Village and RA zoned.  
                     Tax Map 203-46

June Purington moved to accept the application as complete; Forrest Esenwine seconded, all voted in favor.

The Bunton's own 7.32 acres on Rte 114, and they are planning to subdivide it. Lot 46.1 has an existing house, and proposed lot 46.2 has an existing structure that will be converted into a house. The lot size requirements will be met. The Village requires 50' of frontage, and the agricultural zone requires 250' of frontage. Mr. Siciliano is asking for a variance from the road frontage from the RA, which is the most prohibited. Mr. Siciliano read the 5 points of hardship from his application aloud:

1. They are proposing private lots with private access and it will not affect the public.
2. The proposed lot 46.2 will comply with the area requirements of the RA zone, which most of the lot is located, and will comply with the frontage of the village zone.
3. This lot is in both zones. It can comply with requirements for each zone; frontage is in the RV zone, and 50' will be provided by granting the variance. The 5 acre lot meets the RA zone, which most of the lot lies.
4. The existing use is residential and the surrounding use is residential. Similar uses will not change the uses or values.
5. A) Left blank on application. B) The special condition is that the lot is in 2 zones, RV & RA. This existing lot is unique because the depths in the RV zone is larger than all the other lots surrounding it. C) We cannot create 250' of frontage for the proposed lot due to the existing lot. The frontage for the lot lies mostly in the RV zone, and we feel that 50' frontage for the proposed lot is adequate .

Neal Kurk moved to approve the application for point 1; June Purington seconded, all voted in favor.

June Purington moved to approve the application for point 2; Neal Kurk seconded, all voted in favor.

June Purington moved to approve the application for point 3; Neal Kurk seconded. Discussion: Mr. Kurk feels the justification for this point is inadequate, but it is supported by a zoning line that bisects the property. Because the problem is caused by an arbitrary division of the property into 2 zones, Mr. Kurk feels that substantial justice would be done by correcting it. All voted in favor.

June Purington moved to approve the application for point 4; Neal Kurk seconded, all voted in favor.

June Purington moved to approve the application for point 5; Neal Kurk seconded. Discussion: Mr. Kurk

feels that point 5 is met, not by the applicants response to part B, but under part A, in two respects: 1. The proposal to divide the property in the way he is proposing is reasonable. 2. That the special condition of the property, the arbitrary zoning line bisecting it that distinguishes it from other properties, makes the general purpose of the ordinance fulfilled by approving the variance. All voted in favor.

**IV.   OTHER BUSINESS:**

Extension of a Variance to build on lot #108-41, 67 Pond View Road, owned by Cindy Kaczmariski.

Neal Kurk moved to accept the requested extension; June Purington seconded. All voted in favor.

Minutes: Forrest Esenwine moved to accept the minutes of August 3, 2010 meeting as distributed; June Purington seconded, all voted in favor.

**V.   ADJOURNMENT:**

As there was no further business to come before the board, Forrest Esenwine moved to adjourn the meeting at 9:30 PM; June Purington seconded the motion, all in favor.

Respectfully submitted,

Sheila R. Savaria,  
Recording Secretary